

DAC-25

#10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of

AMAMOTO et al.

Application Number: 09/873,206

Filed: June 5, 2001

For: OPTICAL MEASUREMENT DEVICE

Attorney Docket No. NIPP.0001

Art Unit 3742

Examiner Hoang, Tu Ba

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

LETTER

Sir:

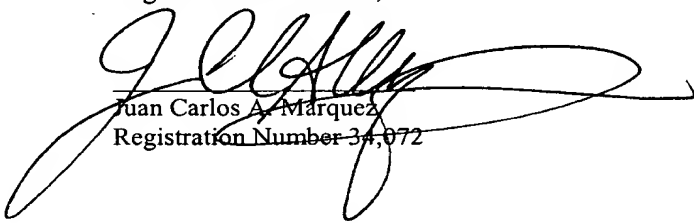
The below-identified communications are submitted in the above-captioned application or proceeding:

- | | | | |
|-----|---|-----|---|
| (x) | Request for Unintentionally
Delayed Claim for Priority | (x) | Petition under 37 C.F.R. §1.55(a)(1) (ii) |
| | | (x) | Statement Regarding Unintentionally
Delayed Claim for Priority |
| | | (x) | Check for \$1,300.00 |

- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. § 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 08-1480**. A duplicate copy of this sheet is attached.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344


Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200
August 28, 2003

RECEIVED
SEP 02 2003
OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of

YAMAMOTO et al.

Application Number: 09/873,206

Filed: June 5, 2001

For: OPTICAL MEASUREMENT DEVICE

Attorney Docket No. NIPP.0001

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

Art Unit 3742

Examiner Hoang, Tu Ba

RECEIVED
SEP 02 2003
OFFICE OF PETITIONS

**REQUEST FOR PRIORITY
UNDER 35 U.S.C. § 119
AND THE INTERNATIONAL CONVENTION**

Sir:

In the matter of the above-captioned application for a National Stage of a United States patent, notice is hereby given that the Applicant claims the priority date of December 1, 1999, of the PCT application number PCT/JP99/06749, which claims the priority of Japanese Patent Application 10-347299 filed December 7, 1998.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344

Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200
August 28, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of)

YAMAMOTO et al.)

Art Unit 3742

Application Number: 09/873,206)

Examiner Hoang, Tu Ba

Filed: June 5, 2001)

For: OPTICAL MEASUREMENT DEVICE)

Attorney Docket No. NIPP.0001)

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

RECEIVED

SEP 02 2003

OFFICE OF PETITIONS

**STATEMENT REGARDING UNINTENTIONALLY
DELAYED CLAIM FOR PRIORITY
PURSUANT TO 37 C.F.R. §1.55(a)(1)(ii)**

Sir:

Pursuant to 37 C.F.R. §1.55(a)(1)(ii), the undersigned attorneys for Applicants hereby state that the entire delay between the date the claim was due under 37 CFR §1.55(a)(1) and the date the claim was filed was wholly unintentionally and due to an administrative oversight at the time of the original filing of the application on June 5, 2001. Due to an administrative error, the Request for Priority that was filed with the application on June 5, 2001, referred only to the filing date of PCT/JP99/06749 which was December 1, 1999, instead of also referring to the underlying Japanese Patent Application No. 10-347299 which was filed December 7, 1998.

We regret this unintentional delay and thank the Examiner for calling it to our attention in the Supplemental Notice of Allowability mailed August 19, 2003. We respectfully request that the claim of priority be granted.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344

Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200
August 28, 2003